

JIMMY LEE NASH §
VS. § CIVIL ACTION NO. 5:07cv1
DIRECTOR, TDCJ-CID §

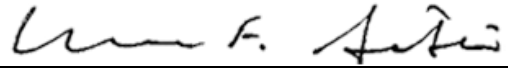
Petitioner Jimmy Lee Nash, an inmate confined in the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Pending before the court is petitioner's motion to reconsider the denial of his previous motion to stay proceedings (docket entry no. 23). In his original motion, petitioner failed to disclose the facts and circumstances surrounding his failure to exhaust his claim prior to filing this petition. Accordingly, petitioner's motion to stay proceedings was denied, and petitioner was provided an opportunity to furnish additional information.

Additionally, the respondent has been ordered to file a response. The respondent has yet to file a response because he is awaiting relevant records from the states courts. Accordingly, petitioner's motion is not ripe for consideration. Therefore, the motion should be denied without prejudice to petitioner's ability to reassert the motion once a response has been filed.

ORDERED that petitioner's motion to stay the above-styled petition is **DENIED** without prejudice as premature.

SIGNED this 4 day of August, 2009.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE